

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

|                     |   |                    |
|---------------------|---|--------------------|
| KELLY J. BAIER,     | ) | CIV. 09-5088-JLV   |
|                     | ) |                    |
| Plaintiff,          | ) |                    |
|                     | ) | ORDER OF DISMISSAL |
| vs.                 | ) |                    |
|                     | ) |                    |
| BITUMINOUS CASUALTY | ) |                    |
| CORPORATION,        | ) |                    |
|                     | ) |                    |
| Defendant.          | ) |                    |

Pursuant to the parties' stipulation for dismissal (Docket 10), and  
good cause appearing, it is hereby

ORDERED that this matter is dismissed with prejudice and without  
costs to either party.

Dated February 18, 2010.

BY THE COURT:

/s/ Jeffrey L. Viken

JEFFREY L. VIKEN  
UNITED STATES DISTRICT JUDGE